

**UNITED STATES BANKRUPTCY COURT: WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

IN RE: CLYDE A. LONG, JR., AND LATOYA LYNIESE LONG

**CASE NO. 13-60044
Chapter 7**

CRYSTAL D. LEWIS
Plaintiff

v.

CLYDE A. LONG, JR.

Defendant.

**ADVERSARY PROCEEDING
CASE NO. 13-06030**

COMPLAINT
(Objection to Dischargeability)

COMES NOW the Plaintiff, Crystal D. Lewis, for her Complaint on her Objection to Dischargeability and states as follows:

1. Plaintiff, Crystal D. Lewis, of 13369 Gray Street, Culpeper, Virginia 22701, is a creditor of the above-named Debtors.
2. Defendants, CLYDE A. LONG, JR., AND LATOYA LYNIESE LONG, of 16381 Willis Road, Orange, Virginia 22960, are the Debtors in the above-captioned proceedings.
3. This is an action under 11 U.S.C. § 523(a)(6) objecting to the discharge of the defendant Debtor CLYDE A. LONG, JR. The court has jurisdiction of this case pursuant to 28 U.S.C. § 1334.

4. Attorney for Plaintiff has investigated the actions of the Debtor CLYDE A. LONG, JR. and being satisfied that the proper grounds exist for denial of the dischargeability of the Debtor's debt to Plaintiff Crystal D. Lewis, objects to granting of the discharge of that debt.
5. Plaintiff specifies the following items listed below as grounds for objections.

SEXUAL ASSAULT AND BATTERY OF A MINOR

6. Plaintiff was sexually assaulted and raped multiple times by the Defendant, CLYDE A. LONG, JR., when she was between the ages of twelve (12) and thirteen (13), for which crimes the Defendant, CLYDE A. LONG, JR., was convicted.
7. On August 24, 2004, Crystal D. Lewis sued CLYDE A. LONG, JR. for those injuries in a civil suit styled *C.D.L. v. Clyde A. Long, Jr.*, Culpeper Co. Cir. Ct., 2004-L-220, which contained three causes of action: Count I, Intentional Infliction of Emotional Distress; Count II, Sexual Assault and Battery; Count III, Carnal Knowledge of a Minor.
8. On December 27, 2004, an Order Entering Default Judgment was entered against CLYDE A. LONG, JR. in the civil lawsuit between Crystal D. Lewis and CLYDE A. LONG, JR., styled *C.D.L. v. Clyde A. Long, Jr.*, Culpeper Co. Cir. Ct., 2004-L-220. By interlineation in that order, the court noted that the defendant CLYDE A. LONG, JR. personally appeared and "did not advance any reason as to why judgment should not be entered."
9. Accordingly, on December 27, 2004, judgment as to liability was entered in favor of Crystal D. Lewis against CLYDE A. LONG, JR. and a jury trial was set for April 11, 2005 to hear evidence on damages and fix the amount of damages for Crystal D. Lewis.

10. Prior to the date scheduled for the damages jury trial, on March 17, 2005, Defendant CLYDE A. LONG, JR. signed a "Promissory Installment Note with a Confession of Judgment Clause" which stated, among other things:

The Debtor is executing this promissory note in favor of the Payee in the full amount sued for in the lawsuit between the Debtor and the Payee styled: *C.D.L. v. Clyde A. Long, Jr.*, Culpeper Co. Cir. Ct., 2004-L-220. This promissory note represents settlement of the Debtor's intentional torts against the Payee as expressed in that suit, and **it is the parties' understanding and intention that this promissory note for settlement of those intentional torts may not be discharged in any future bankruptcy by the Debtor.**

(Emphasis in bold added.)

11. The principal amount of the March 17, 2005 "Promissory Installment Note with a Confession of Judgment Clause" was one million two hundred fifty four thousand dollars (\$1,254,000.00).
12. CLYDE A. LONG, JR. defaulted in the payment and in the performance of his obligations under the terms of the "Promissory Installment Note with a Confession of Judgment Clause".
13. Therefore, a Confession of Judgment was entered against Defendant CLYDE A. LONG, JR. on May 25, 2007, in the amount of \$1,254,000.00, with an interest rate of 6% from March 17, 2005, in a civil suit in the Culpeper County Circuit Court relating to the sexual assaults and rapes.
14. No objection was made to that May 25, 2007 Confession of Judgment by CLYDE A. LONG, JR. and no appeal was taken from it by him.

**DEBTS WHICH CANNOT BE DISCHARGED UNDER BANKRUPTCY CODE
§ 523(A)(6)**

15. By reason of the underlying basis of the Confession of Judgment of the Defendant, CLYDE A. LONG, JR., in the amount of \$1,254,000.00 plus interest, this obligation for willful and malicious injury by the debtor CLYDE A. LONG, JR. against Crystal D. Lewis is not dischargeable under 11 U.S.C. § 523(A)(6).

CONCLUSION

Under the circumstances as related, Debtor's discharge from his debt to Crystal D. Lewis is contrary to the bankruptcy statute and should be denied for the reasons stated above.

Defendant, CLYDE A. LONG, JR., by his own acts and by his own confession, owes the Plaintiff in excess of \$1,254,000.00 as a result of the non-dischargeable judgment for his willful and malicious injury against the Plaintiff Crystal D. Lewis.

WHEREFORE, Plaintiff prays for judgment against Debtor CLYDE A. LONG, JR., determining that the debt owed by the Debtor CLYDE A. LONG, JR. to Plaintiff Crystal D. Lewis is not dischargeable in his bankruptcy case and for judgment according to proof; and that Plaintiff be awarded her costs of suit incurred herein and for such other and further relief as this Court deems proper.

CRYSTAL D. LEWIS
By Counsel

Respectfully submitted,

/s/ J. Michael Sharman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was mailed, postage prepaid, as indicated, on April 1, 2013, to the following:

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